

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
	:	Case No. 17-md-2804
This document relates to:	:	
	:	Judge Dan Aaron Polster
<i>Salmons v. Purdue Pharma L.P., et al.</i>	:	
MDL Case No. 1:18-op-45268;	:	
	:	
<i>Flanagan v. Purdue Pharma L.P., et al.</i>	:	
MDL Case No. 1:18-op-45405;	:	
	:	
<i>Doyle v. Purdue Pharma L.P., et al.</i>	:	
MDL Case No. 1:18-op-46327.	:	

**DECLARATION OF THOMAS E. BILEK IN SUPPORT OF
THE NAS GUARDIANS' REPLY
IN SUPPORT OF THEIR MOTION FOR CLASS CERTIFICATION**

I, Thomas E. Bilek, hereby declare as follows:

1. I am a partner with The Bilek Law Firm, L.L.P., one of lead counsel for the NAS Guardian plaintiffs and the Class in these actions.

2. I submit this Declaration in support of the NAS Guardians' Reply in Support of Their Consolidated Motion for Class Certification and Appointment of Class Counsel.

3. Attached hereto are true and correct copies of the following exhibits:

Exhibit 1: Key Expert Deposition Testimony

Exhibit 2: Deposition excerpts of Dr. Kanwaljeet Anand

Exhibit 3: Deposition excerpts of Dr. Henry Lee

Exhibit 4: Deposition excerpts of Dr. Lewis Rubin

Exhibit 5: Deposition excerpts of Dr. Christina Porucznik

Exhibit 6: Deposition excerpts of Dr. Tricia Wright

Exhibit 7: Deposition excerpts of Dr. Pradeep Chintagunta

- Exhibit 8: March of Dimes. Caring for a Baby with NAS. 2018, Oct. Available at marchofdimes.org/nas
- Exhibit 9: Spithoff S, Leece P, Sullivan F, et al. Drivers of the opioid crisis: An appraisal of financial conflicts of interest in clinical practice guideline panels at the peak of opioid prescribing. *PLoS ONE*. 2020;15(1):e0227045. doi:10.1371/journal.pone.0227045
- Exhibit 10: Chutchian M. Purdue Pharma settlement proceeds to go to opioid abatement programs, states say. *Westlaw News*. 2020, Sep. Available at <https://www.reuters.com/article/bankruptcy-purdue-idUSL2N2GK2OG>
- Exhibit 11: Hearing Transcript. *In the Matter of Purdue Pharma L.P.* Case No. 19-23649-rdd (Adv. Case No. 19-08289-rdd). Sep 20, 2020
- Exhibit 12: FILED UNDER SEAL:
Purdue Pharma, Mundipharma. PDF of PowerPoint slides, including
bankruptcy case documents with Bates numbers PPLP004390587 and
PPLPC020000932832**
- Exhibit 13: Sackler, Dr. Richard. Email “RE mtg at aps.” Received by Goldenheim, Paul. 13 Apr 2001
- Exhibit 14: Lee AJ, Bandari J, Macleod LC, et al. Concentration of Opioid-Related Industry Payments in Opioid Crisis Areas. *J Gen Intern Med*. 2018 34(2):187-9. doi:10.1007/s11606-018-4700-7
- Exhibit 15: Hadland SE, Rivera-Aguirre A, Marshall BD, et al. Association of Pharmaceutical Industry Marketing of Opioid Products With Mortality From Opioid-Related Overdoses. *JAMA Netw Open*. 2019;2(1):e186007. doi:10.100/jamanetworkopen.2018.6007
- Exhibit 16: Fang L. Makers of Oxycontin Bankroll Efforts to Undermine Prescription Painkiller Reform. *Intercept*. 2015. Available at <https://theintercept.com/2015/12/23/oxycontin-cdc-politics/>
- Exhibit 17: Lurie J. Big Pharma Has a Big Role on the Federal Committee Tasked with Curbing Opioid Abuse. *Mother Jones*. 2019. Available at <https://www.motherjones.com/politics/2019/05/big-pharma-has...e-on-the-federal-committee-tasked-with-curbing-opioid-abuse/>
- Exhibit 18: CDC FAC. Ethics and Confidential Financial Disclosure for Special Government Employees. 2020. <https://www.cdc.gov/faca/ethics/index.html>

- Exhibit 19: Letter from Ron Wyden, Ranking Member, US Senate Committee on Finance, to Alex Azar, Sec'y, US Dept of Health & Human Services (Dec. 18, 2018) (on file with author)
- Exhibit 20: US Office of Government Ethics. To Serve With Honor. 2008. Available at <https://www2.oge.gov/web/oge.nsf/Education%20Resources%20for%20Ethics%20Officials/7FB810D106E32FC985257F6B00528843/%24FILE/bkServeHonor.pdf?open>
- Exhibit 21: NCSL. Prescribing Policies: States Confront Opioid Overdose Epidemic. 2019. Available at <https://www.ncsl.org/research/health/prescribing-policies-states-confront-overdose-epidemic.aspx>
- Exhibit 22: Carey C, Lieber EM, Miller S. Drug Firms' Payments and Physicians' Prescribing Behavior in Medicare Part D. NBER. 2020.
- Exhibit 23: Dean J. After free lunch from drug firms, doctors increase prescriptions. *Cornell Chronicle*. 2020. Available at <https://news.cornell.edu/stories/>
- Exhibit 24: Deposition excerpts of Melissa Barnwell
- Exhibit 25: Deposition excerpts of Ashley Poe
- Exhibit 26: Deposition excerpts of Jacqueline Ramirez

I declare under penalty of perjury that the foregoing facts are true and correct.

Executed on November 12, 2020.

/s/ Thomas E. Bilek
THOMAS E. BILEK